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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jur' **08 CR 1196 W**

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
)	
v.	)	Title 18, U.S.C.,
	)	Sec. 1001(a)(2) - False Statement
JAMES FRANCIS MURPHY,	)	to a Federal Officer; Title 18,
	)	U.S.C., Sec. 1001(a)(3) - False
Defendant.	)	Statement to a Federal Officer;
	)	Title 18, U.S.C., Secs. 1028(a)(4)
	)	and (b)(6) - Use of a False
	)	Identification Document; Title 18,
	)	U.S.C., Secs. 1036(a)(4) and
	)	(b)(2) - Attempted Entry into
	)	Secure Area of Any Airport;
	)	Title 18, U.S.C., Sec. 716(a) -
	)	Unauthorized Transfer or Receipt
	)	of Counterfeit Official Insignia

The grand jury charges:

Count 1

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Department of Homeland Security, Transportation Security Administration, a department and agency of the United States, did knowingly and willfully make false, fictitious and fraudulent statements and representations as to material facts in that he did

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1 represent and state to the United States Transportation Safety
2 Officer C. Mosely that he was a diplomatic agent with a diplomatic bag
3 not subject to search, whereas in truth and fact as defendant then and
4 there well knew, those statements and representations were false,
5 fictitious and fraudulent when made; in violation of Title 18, United
6 States Code, Section 1001(a)(2).

7 Count 2

8 On or about February 16, 2008, within the Southern District of
9 California, at the San Diego International Airport, defendant JAMES
10 FRANCIS MURPHY, in a matter within the jurisdiction of the United
11 States, namely, the Department of Homeland Security, Transportation
12 Security Administration, a department and agency of the United States,
13 did knowingly and willfully make false, fictitious and fraudulent
14 statements and representations as to material facts in that he did
15 represent and state to the United States Transportation Safety Officer
16 M. Capil that he was a diplomatic agent with a diplomatic bag not
17 subject to search, whereas in truth and fact as defendant then and
18 there well knew, those statements and representations were false,
19 fictitious and fraudulent when made; in violation of Title 18, United
20 States Code, Section 1001(a)(2).

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Count 3

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Department of Homeland Security, Transportation Security Administration, a department and agency of the United States, did knowingly and willfully make false, fictitious and fraudulent statements and representations as to material facts in that he did represent and state to the United States Transportation Safety Officer C. Loftus that he was a diplomatic agent with a diplomatic bag not subject to search, whereas in truth and fact as defendant then and there well knew, those statements and representations were false, fictitious and fraudulent when made; in violation of Title 18, United States Code, Section 1001(a)(2).

Count 4

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Department of Homeland Security, Transportation Security Administration, a department and agency of the United States, did knowingly and willfully make false, fictitious and fraudulent statements and representations as to material facts in that he did represent and state to the United States Transportation Safety Officer A. Ramos that he was a diplomatic agent with a diplomatic bag not subject to search, whereas in truth and fact as defendant then and there well knew, those statements and representations were false, fictitious and fraudulent when made; in violation of Title 18, United States Code, Section 1001(a)(2).

Count 5

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Secretary of State, Diplomatic Security Service, a department and agency of the United States, did knowingly and willfully make false, fictitious and fraudulent statements and representations as to material facts in that he did represent and state to Special Agent M. Escott that he was a diplomatic agent with a diplomatic bag not subject to search, whereas in truth and fact as defendant then and there well knew, those statements and representations were false, fictitious and fraudulent when made; in violation of Title 18, United States Code, Section 1001(a)(2).

Count 6

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Department of Homeland Security, Transportation Security Administration, a department and agency of the United States, did knowingly and willfully use a false writing or document, to wit: a fraudulent or fictitious ambassador/diplomat badge with the seal of the State of California and fraudulent or fictitious identification card, knowing the same to contain materially false, fictitious or fraudulent statements, to wit: identifying defendant JAMES FRANCIS MURPHY as an ambassador/diplomat for the state of California, in violation of Title 18, United States Code, Section 1001(a)(3).

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Count 7

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, in a matter within the jurisdiction of the United States, namely, the Department of Homeland Security, Transportation Security Administration, a department and agency of the United States, did knowingly and willfully use a false writing or document, to wit: a fraudulent or fictitious diplomatic pouch tag, knowing the same to contain materially false, fictitious or fraudulent statements, to wit: that the contents of the bag to which this tag was attached were not subject to search, in violation of Title 18, United States Code, Section 1001(a)(3).

Count 8

On or about February 16, 2008, within the Southern District of California, at the San Diego International Airport, defendant JAMES FRANCIS MURPHY, did knowingly and without lawful authority, possess a false identification document with the intent to defraud the United States, to wit: defendant presented a badge and credentials to Transportation Security Administration officials identifying himself as a diplomat in an attempt to bypass security screening at an International Airport; in violation of Title 18, United States Code, Sections 1028(a)(4) and (b)(6).

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Count 9

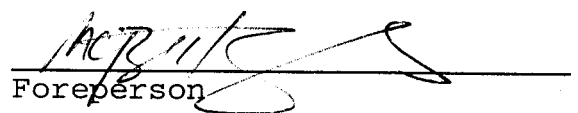
On or about February 16, 2008, within the Southern District of California, defendant JAMES FRANCIS MURPHY, by fraud or false pretenses, to wit: falsely claiming he was a diplomat and ambassador whose bags were not subject to search, attempted to enter a secure area of an airport, to wit: San Diego International Airport, in violation of Title 18, United States Code, Sections 1036(a)(4) and (b)(2).

Count 10

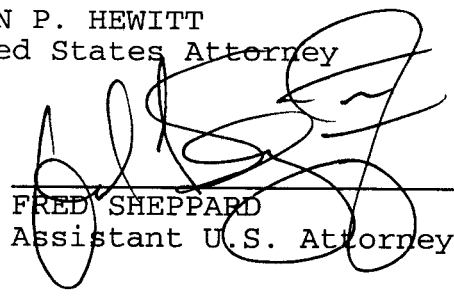
On or after February 1, 2008, within the Southern District of California, defendant JAMES FRANCIS MURPHY, knowingly received or transported in interstate commerce a counterfeit official insignia, to wit: a fraudulent or fictitious ambassador/diplomat badge with the seal of the State of California, knowingly received this same ambassador/diplomat badge in interstate commerce from a company in Florida that shipped said counterfeit official insignia to an address in Nebraska and which was subsequently presented by JAMES FRANCIS MURPHY at the San Diego International Airport in California, in violation of Title 18, United States Code, Section 716(a)(1).

DATED: April 16, 2008.

A TRUE BILL:


Foreperson

KAREN P. HEWITT
United States Attorney

By: 
FRED SHEPPARD
Assistant U.S. Attorney